

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

NEIL MILLER,

Plaintiff,

v.

CITY OF BOSTON, et al.,

Defendants.

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Civil Action No. 03-10805-JLT

ORDER

June 14, 2004

TAURO, J.

After the Hearing on June 14, 2004, this court hereby orders that:

1. The Office of the District Attorney for the Suffolk District ("Office of the District Attorney") is to make every effort to locate and turn over to Plaintiff all materials that were provided to Plaintiff's trial counsel during the course of Plaintiff's criminal trial;
2. By July 6, 2004, the Office of the District Attorney is to make available to Plaintiff's counsel a complete copy of its file concerning Plaintiff's criminal trial ("Office of the District Attorney's file" or "file"), with the exception of any materials that relate to, or mention the name of, the individual that is believed to be the perpetrator of the offense for which Plaintiff was wrongfully accused;
3. The Office of the District Attorney's file is to be made available to Plaintiff's

counsel for the sole purpose of allowing Plaintiff's counsel to identify the materials in the file that should be turned over to Plaintiff pursuant to this court's Rule 26 Discovery Order;

4. Plaintiff's counsel is to review the file and identify all of the materials contained therein that he feels should be turned over to Plaintiff;
5. By August 2, 2004, Plaintiff is to file with this court a document that states either that Plaintiff's counsel has completed his inspection of the file or that he needs additional time to complete his inspection;
6. Within thirty days after the date on which Plaintiff's counsel completes his inspection, Plaintiff is to file, under seal, a motion to compel production of the documents in the file that he feels should be turned over pursuant to this court's Rule 26 Discovery Order;
7. The Office of the District Attorney has thirty days from the date on which Plaintiff files his motion to compel to turn over the identified documents or file, under seal, an opposition to Plaintiff's motion;
8. If an opposition is filed, this court will hold a closed hearing to determine which, if any, of the identified documents should be turned over to Plaintiff;
9. This court's decision on Plaintiff's motion to compel, as it pertains to materials that relate to, or mention the name of, the individual that is believed to be the perpetrator of the offense for which Plaintiff was wrongfully accused, is deferred;
10. Defendant City of Boston is to continue to comply with this court's Rule 26 Discovery Order and notify this court when it believes that it is in full compliance

with that Order;

11. No additional discovery is to take place without leave of this court;
12. This Order supersedes and, thus, nullifies those portions of this court's November 4, 2003 Order permitting depositions;
13. Plaintiff's Motion to Compel Defendant City of Boston's Compliance with Court Order Requiring Complete Disclosure [#51] is DENIED WITHOUT PREJUDICE; and
14. Plaintiff's Motion to Compel Production of Subpoenaed Documents from the Suffolk County District Attorney's Office [#53] is DENIED WITHOUT PREJUDICE.

IT IS SO ORDERED.

/s/ Joseph L. Tauro  
United States District Judge